REMARKS

Claims 1-26 are pending. The Examiner's reconsideration of the rejections in view of the amendments and remarks is respectfully requested.

Claims 1-4, 7-9 and 16 have been rejected under 35 U.S.C. 102(e) as being anticipated by Zweben et al. (U.S. Patent Application No. 2002/0169686). The Examiner stated essentially that Zweben teaches all the limitations of claims 1-4, 7-9 and 16.

Claim 1 claims, *inter alia*, "receiving an electronic service request including a product identifier and a customer query from a customer within a sales environment, wherein the query is a customer specified question or comment about a product corresponding to the product identifier; retrieving data corresponding to the product identifier from a product database; determining a portion of the data relating to the customer query." Claim 9 claims, *inter alia*, "receiving an electronic service request including a product identifier and a customer query via the mobile device; retrieving data corresponding to the product identifier from a product database; determining a portion of the data corresponding to the product identifier and relating to the customer query."

Zweben teaches a system and method for providing targeted product and service information to retail consumers (see paragraph [0003]). The targeted product and service information is provided based on search criteria (see paragraph [0041]) or based on an identification of a specific product (see paragraph [0042]). Zweben does not teach receiving an electronic service request including a product identifier <u>and</u> a customer query essentially as claimed in claims 1 and 9. Zweben teaches that a consumer provides either search criteria for determining a product that has yet to be identified <u>or</u> an identification of a specific product (see

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Figures 4 and 5). Zweben's method retrieves product information, cross-sell information, and up-sell information based either on the search criteria describing products or product identification (see paragraph [0043]). Nowhere does Zweben teach a customer query in addition to a product identifier. Zweben's method may provide a customer with unwanted information because Zweben fails to teach a request including a product identifier for retrieving product data and a customer query for determining a portion of the product data to deliver to a customer. Zweben does not teach receiving an electronic service request including a product identifier and a customer query as claimed in claims 1 and 9. Therefore, Zweben fails to teach all the limitations of claims 1 and 9.

Claims 2-4, 7, and 8 depend from claim 1. Claim 16 depends from claim 9. The dependent claims are believed to be allowable for at least the reasons given for claims 1 and 9. The Examiner's reconsideration of the rejection is respectfully requested.

Claim 5 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Zweben in view of Lefkowith (U.S. Patent Application No. 2002/0188501). The Examiner stated essentially that the combined teachings of Zweben and Lefkowith teach or suggest all the limitations of claim 5.

Claim 5 recites, "wherein the customer identification is persistent."

Claim 5 depends from claim 1. Claim 5 is believed to be allowable for at least the reasons given for claim 1. Claim 5 is believed to be allowable for additional reasons.

Multiple cited prior art references must suggest the desirability of being combined, and the references must be viewed without the benefit of hindsight afforded by the disclosure. The Examiner has chosen a multitude of references, apparently in hindsight, to reject claim 5, however, each reference relates to entirely different arts, for example, Zweben teaches a system

and method for providing targeted product and service information to retail consumers (see paragraph [0003]), and Lefkowith teaches a method and system for providing rebates to automobile owners, lessees and renters based on purchases made at participating retailer locations (see Abstract). Given the different fields of the references (e.g., customer service and rebates tied to retail purchases), and the lack of a suggestion or motivation to combine the references, these references are not believed to be combinable. Therefore, reconsideration of the rejection is respectfully requested.

Claim 5 is believed to be allowable to still other reasons.

As the Examiner suggested, Zweben does not teach that a customer identification is persistent.

Lefkowith teaches that a customer identification badge must be updated every 4 years, and that the customer identification badge is tied to an automobile of the customer (see Figure 1). The customer identification badge of Lefkowith is not persistent, the customer identification badge must be periodically updated (see paragraph [0043]). Therefore, Lefkowith fails to teach or suggest that the customer identification badge is persistent. Thus, Lefkowith fails to cure the deficiencies of Zweben.

The combined teachings of Zweben and Lefkowith fail to teach or suggest a persistent customer identification, essentially as claimed in claim 5. The Examiner's reconsideration of the rejection is respectfully requested.

Claim 6 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Zweben and Official Notice. The Examiner stated essentially that the combined teachings of Zweben and information recognized by Official Notice teach or suggest all the limitations of claim 6.

Claim 6 claims, "wherein the customer identification is issued with the service request."

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Claim 6 depends from claim 1. Claim 6 is believed to be allowable for at least the reasons given for claim 1. Claim 6 is believed to be allowable for additional reasons.

As suggested by the Examiner, Zweben does not specifically teach that customer identification is issued with a service request.

The Examiner has taken Official Notice that store loyalty cards or credit cards are offered to customers when the customers are shopping in the store. The scope of the Official Notice is unclear to the Applicants, in part because it appears to omit that the customer identification is issued with a service request. Thus, even when taken together, Zweben and the Official Notice fail to teach or suggest all the limitations of claim 1. Further, because the scope of the Official Notice is unclear, Applicants respectfully traverse the Official Notice. When a rejection is based on facts within the personal knowledge of the Examiner, the data should be stated as specifically as possible, and the facts must be supported by an affidavit. Such an affidavit is respectfully requested.

The mere offering of a credit card to a customer as taught by Zweben is distinct from issuing a customer identification with a service request, essentially as claimed in claim 6. Zweben fails to teach or suggest issuing a customer identification with a service request. Accordingly, the combined teachings of Zweben and the information recognized by Official Notice fail to teach or suggest all the limitations of claim 6. The Examiner's reconsideration of the rejection is respectfully requested.

Claims 10-12 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Zweben in view of Saito et al. (U.S. Patent Application No. 2001/0014870). The Examiner stated essentially that the combined teachings of Zweben and Saito teach or suggest all the limitations of claims 10-12.

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Claims 10-12 depend from claim 9. The dependent claims are believed to be allowable for at least the reasons given for claim 9. The Examiner's reconsideration of the rejection is respectfully requested.

Claims 13-15 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Zweben in view of Godsey et al. (U.S. Patent Application No. 2002/0161651). The Examiner stated essentially that the combined teachings of Zweben and Godsey teach or suggest all the limitations of claims 13-15.

Claims 13-15 depend from claim 9. The dependent claims are believed to be allowable for at least the reasons given for claim 9.

At least claim 13 is believed to be allowable for additional reasons.

Claim 13 claims, "tracking the customer within the store based on a position of the mobile device in relation to a plurality of beacons."

Multiple cited prior art references must suggest the desirability of being combined, and the references must be viewed without the benefit of hindsight afforded by the disclosure. The Examiner has chosen a multitude of references, apparently in hindsight, to reject claim 13, however, each reference relates to entirely different arts, for example, Zweben teaches a system and method for providing targeted product and service information to retail consumers (see paragraph [0003]), and Godsey teaches a system and method for tracking shopping carts to gather data regarding customer behavior (see paragraphs [0002] and [0020]). Given the different fields of the references (e.g., customer service and tracking shopping carts), and the lack of a suggestion or motivation to combine the references, these references are not believed to be combinable. Therefore, reconsideration of the rejection is respectfully requested.

Claims 17 and 19 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Zweben in view of Ambrose et al. (U.S. Patent Application No. 2002/0065879). The Examiner stated essentially that the combined teachings of Zweben and Ambrose teach or suggest all the limitations of claims 17 and 19.

Claim 17 claims, *inter alia*, "determining whether the user input is a customer query, if so, adding the customer query to a query queue and delivering an acknowledgment to the mobile device confirming the receipt of the customer query, wherein the query is a customer specified question or comment about a product corresponding to the product identifier."

Multiple cited prior art references must suggest the desirability of being combined, and the references must be viewed without the benefit of hindsight afforded by the disclosure. The Examiner has chosen a multitude of references, apparently in hindsight, to reject claims 17 and 19, however, each reference relates to entirely different arts, for example, Zweben teaches a system and method for providing targeted product and service information to retail consumers (see paragraph [0003]), and Ambrose teaches a web based client-server system with thin client architecture (see Abstract). Given the different fields of the references (e.g., customer service and client-server computer architecture), and the lack of a suggestion or motivation to combine the references, these references are not believed to be combinable. Therefore, reconsideration of the rejection is respectfully requested.

Claim 17 is believed to be allowable to still additional reasons.

Zweben teaches that targeted product and service information is provided based on search criteria (see paragraph [0041]) or based on an identification of a specific product (see paragraph [0042]). As suggested by the Examiner, Zweben does not teach "delivering an acknowledgment to the mobile device confirming the receipt of the customer query" as claimed in claim 17.

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Further, Zweben does not teach determining whether the user input is a customer query as claimed in claim 17. Neither the search criteria nor the product identification of Zweben are a customer query comprising a customer specified question or comment about a product corresponding to the product identifier, essentially as claimed in claim 17. The customer of Zweben is constrained to, at most, describing a product, and is not able to pose a customer specified question or comment about a product. Thus, Zweben does not teach determining whether the user input is a customer query. Therefore, Zweben fails to teach all the limitations of claim 17.

Ambrose teaches a web based client-server system with thin client architecture, and more specifically, to a method and system for transferring service requests and responses to the requests between a thin client and an enterprise server in a client-server system (see Abstract). Ambrose does not teach or suggest "determining whether the user input is a customer query" as claimed in claim 17. Ambrose teaches a customer created a service request (see paragraph [0339]). The service request includes the contact who reported the service request, the product with which assistance is requested, the customer's environment or profile, and which third-party products are in use and relevant to the service request (see paragraph [0263]). Ambrose does not teach or suggest that the service request is a customer specified question or comment about a product corresponding to the product identifier, essentially as claimed in claim 17. The service request of Ambrose is not a customer query. Thus, Ambrose does not teach or suggest "determining whether the user input is a customer query" as claimed in claim 17. Therefore, Ambrose fails to cure the deficiencies or Zweben.

The combined teachings of Zweben and Ambrose fail to teach or suggest, "determining whether the user input is a customer query, if so, adding the customer query to a query queue and

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delivering an acknowledgment to the mobile device confirming the receipt of the customer query, wherein the query is a customer specified question or comment about a product corresponding to the product identifier" as claimed in claim 17.

Claim 19 depends from claim 17. Claim 19 is believed to be allowable for at least the reasons given for claim 17. The Examiner's reconsideration of the rejection is respectfully requested.

Claim 18 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Zweben and Ambrose in view of Yacoby (U.S. Patent No. 6,516,311). The Examiner stated essentially that the combined teachings of Zweben, Ambrose and Yacoby teach or suggest all the limitations of claim 18.

Claim 18 depends from claim 17. Claim 18 is believed to be allowable for at least the reasons given for claim 17. The Examiner's reconsideration of the rejection is respectfully requested.

New claims 20 and 21 depend from claim 1. Claims 22-24 depend from claim 9. Claim 25 and 26 depend from claim 17. The dependent claims are believed to be allowable for at least the reasons given for the independent claims, respectively. At least claims 21, 23 and 26 are believed to be allowable for additional reasons.

Claims 21, 23 and 26 claim, "the customer query comprises one of a digital photo and a voice memo."

The prior art of record fails to teach a customer query comprising either digital photo or a voice memo. Accordingly, claims 21, 23 and 26 are believed to be allowable.

For the forgoing reasons, the application, including claims 1-26, is believed to be in condition for allowance. Early and favorable reconsideration of the case is respectfully requested.

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